

Customer No.: 31561
Docket No.: 12278-US-PA
Application No.: 10/711,002

REMARKS

Present Status of the Application

The Office Action rejected claims 1 and 7-11 under 35 U.S.C. 102(b) as being anticipated by Ellens et al. (USPN 2003/0052595, hereinafter *Ellens*). The Office Action also rejected claims 2, 3, 12 and 13 under 35 U.S.C. 102(e) as being anticipated by Maeda et al. (USPN 2004/0245532, hereinafter *Maeda*). The Office Action rejected claims 17-19, 23-25, and 28-30 as being unpatentable over *Maeda* in view of Sakano et al. (USPN 2004/0245532, hereinafter *Sakano*). Furthermore, the Office Action rejected claims 4-6, 14-16, and 20-22 because of insufficient antecedent basis issue.

In response thereto, Applicants have amended claims 1-6, 8, and 12-22 to more clearly define the present invention and cancelled claims 2, 12, and 18. Upon entry of the amendments in this response, claims 1, 3-11, 13-17, and 19-31 remain pending in the present application, and reconsideration of those claims is respectfully requested.

Response To Claim Rejections Under 35 U.S.C. Section 102

The Office Action rejected claims 1 and 7-11 under 35 U.S.C. 102(b) as being anticipated by *Ellens*. Furthermore, the Office Action rejected claims 2, 3, 12 and 13 under 35 U.S.C. 102(e) as being anticipated by *Maeda*. In response thereto, Applicants have amended claims 1, 8, and 17 to make the claims patently distinguish over the prior art, and hereby otherwise traverse these rejections for at least the reasons set forth below. As described in detail hereinafter, Applicants respectfully submit that *Ellens* and *Maeda* are legally deficient for the purpose of anticipating

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claims 1, 8, and 17 because *Ellens* or *Maeda* fail to disclose each element of the claims under consideration. Specifically, the limitation of "... for emitting a light having a wavelength in a range of about 250nm to about 350nm" is not disclosed by *Ellens* or *Maeda*. Therefore, independent claims 1, 8 and 17 patently define over the prior art reference, and should be allowed. For at least the same reasons, dependent claims 3-7, 9-11, 13-16, 19-25 and 28-30 patently define over the prior art as a matter of law, because these dependent claims contain all features of their respective independent claims 1, 8 and 17. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

Response To Claim Rejections Under 35 U.S.C. Section 103

The Office Action rejected claims 17-19, 23-25, and 28-30 as being unpatentable over *Maeda* in view of *Sakano*.

As discussed above, *Maeda* fails to disclose, teach or suggest at least the limitation of for emitting a light having a wavelength in a range of about 250nm to about 350nm" as required by the present invention and set forth in claim 17. Therefore, claim 17 is unobvious and patentable over *Maeda* in view of *Sakano*.

Hence, claims 19, 23-25, and 28-30 depending on claim 17 should be allowed because these dependent claims contain all features of their respective independent claim 17. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

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CONCLUSION

For at least the foregoing reasons, it is believed that the pending claims 1, 3-11, 13-17, and 19-31 are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

Respectfully submitted,

Date :

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